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In re application of :
Yoshiki Nakagawa et al. :
Serial No.09/870,397 :
Filed: May 31, 2001 :
For: FUNCTIONAL GROUPS-TERMINATED VINYL POLYMERS

DECISION ON
PETITION

This is a response to the PETITION TO WITHDRAW NOTICE OF ABANDONMENT filed February 13, 2006 and resubmitted March 08, 2006. The petition requests that the abandonment, as set forth in the Notice of Abandonment of February 06, 2006, for failure to timely file a proper reply to the Office letter mailed on May 18, 2005 be withdrawn since the applicants did timely file a reply August 03, 2005. (A copy of the reply filed August 03, 2005 is attached to the instant petition.)

DECISION

The instant request has been accepted as a petition to withdraw the holding of abandonment under the provisions of 37 CFR 1.181 (no fee) - no abandonment-in-fact. A review of the evidence presented reveals that the reply was properly filed on August 03, 2005, by facsimile transmission as evidenced by the copy of the Facsimile Transmission report provided with the instant petition which indicates the successful transmission, to a USPTO facsimile telephone number of 7 pages. Therefore, the application was never in-fact abandoned and any holding of abandonment for failure to timely file a proper reply to the Office letter mailed May 18, 2005 is hereby vacated and the application is returned to pending status.

The application shall be forwarded to the examiner for entry, processing and consideration of the reply originally filed August 03, 2005.

The Petition is GRANTED.

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